

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

<b>In re United States Patent Application of:</b>		)	
<b>Applicant:</b>	<b>Schulze et al.</b>	)	<b>Docket No.:</b> 4197-107
<b>Application No.:</b>	<b>09/936,086</b>	)	<b>Examiner:</b> Unknown
<b>Date Filed:</b>	<b>September 5, 2001</b>	)	<b>Group Art Unit:</b> Unknown
<b>Title:</b>	<b>METHOD FOR PRODUCING SHAPED BODIES</b>	)	



**23448**

PATENT TRADEMARK OFFICE

**FIRST CLASS MAIL CERTIFICATE**

I hereby certify that I am mailing the attached documents to the  
Commissioner for Patents on the date specified, in an envelope addressed  
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**SUBMISSION OF ENGLISH TRANSLATION OF INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT IN UNITED STATES PATENT APPLICATION NO. 09/936,086**

Commissioner for Patents  
Box PCT  
Washington, D.C. 20231

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Sir:

Enclosed and submitted herewith, in connection with the above-identified U.S. patent application, is a copy of the English translation of the International Preliminary Examination Report of the priority international application.

Respectfully submitted,

Marianne Fuierer

Reg. No. 39,983

Attorney for Applicants

INTELLECTUAL PROPERTY/  
TECHNOLOGY LAW  
P.O. Box 14329  
Research Triangle Park, NC 27709  
Telephone: (919) 419-9350  
Fax: (919) 419-9354  
Attorney Ref: 4197-107

09/936 086

JC07 Rec'd PCT/PTO 28 FEB 2002

**INTELLECTUAL PROPERTY / TECHNOLOGY LAW**

P.O. BOX 14329  
RESEARCH TRIANGLE PARK, NC 27709

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference TITK 22/PCT	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/DE00/00552	International filing date (day/month/year) 24 February 2000 (24.02.00)	Priority date (day/month/year) 08 March 1999 (08.03.99)
International Patent Classification (IPC) or national classification and IPC D01F 8/02		
Applicant OSTHÜRINGISCHE MATERIALPRÜFGESELLSCHAFT FÜR TEXTIL UND KUNSTSTOFFE MBH		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input checked="" type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of <u>5</u> sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <p>I <input checked="" type="checkbox"/> Basis of the report</p> <p>II <input type="checkbox"/> Priority</p> <p>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</p> <p>IV <input type="checkbox"/> Lack of unity of invention</p> <p>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</p> <p>VI <input type="checkbox"/> Certain documents cited</p> <p>VII <input checked="" type="checkbox"/> Certain defects in the international application</p> <p>VIII <input type="checkbox"/> Certain observations on the international application</p>	

Date of submission of the demand 28 September 2000 (28.09.00)	Date of completion of this report 11 June 2001 (11.06.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.:

PCT/DE00/00552

## I. Basis of the report

## 1. With regard to the elements of the international application:\*

☐ the international application as originally filed☒ the description:

pages 1-12, as originally filed

pages, filed with the demand

pages 13,14, filed with the letter of 28 March 2001 (28.03.2001)

☒ the claims:

pages, as originally filed

pages, as amended (together with any statement under Article 19

pages, filed with the demand

pages 1-14, filed with the letter of 28 March 2001 (28.03.2001)

☒ the drawings:

pages 1/1, as originally filed

pages, filed with the demand

pages, filed with the letter of

☐ the sequence listing part of the description:

pages, as originally filed

pages, filed with the demand

pages, filed with the letter of

## 2. With regard to the language, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language which is:

☐ the language of a translation furnished for the purposes of international search (under Rule 23.1(b)).☐ the language of publication of the international application (under Rule 48.3(b)).☐ the language of the translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

## 3. With regard to any nucleotide and/or amino acid sequence disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

☐ contained in the international application in written form.☐ filed together with the international application in computer readable form.☐ furnished subsequently to this Authority in written form.☐ furnished subsequently to this Authority in computer readable form.☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.4. ☐ The amendments have resulted in the cancellation of:☐ the description, pages☐ the claims, Nos.☐ the drawings, sheets/fig5. ☒ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).\*\*

\* Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rule 70.16 and 70.17).

\*\* Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.

## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*

## CONTINUATION OF BOX I.5

The applicant has deleted from Claim 1 the following feature of the additive: "finely distributed".

This feature is obviously indispensable for the function of the invention, in view of the technical problem it is intended to solve (see page 2, line 33; page 3, line 29; page 4, lines 15-19, and examples).

The deletion of this feature introduces substantive matter that goes beyond the disclosure of the application as originally filed ("coarsely distributed").

It therefore contravenes PCT Articles 19(2) and 34(2)(b).

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/DE 00/00552

## V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

## 1. Statement

Novelty (N)	Claims		YES
	Claims	1 - 14	NO
Inventive step (IS)	Claims		YES
	Claims	1 - 14	NO
Industrial applicability (IA)	Claims	1 - 14	YES
	Claims		NO

## 2. Citations and explanations

D1 (VORBACH D. ET AL.: "PROPERTIES OF CARBON FILLED CELLULOSE FILAMENTS", CHEMICAL FIBERS INT., DEUTSCHER FACHVERLAG, Vol. 48, No. 2, 1 April 1998 (1998-04-01), pages 120-122, XP000755996, ISSN: 0340-3343) describes a process as per Claim 1 of the present application, in which at least two polymer solutions are used, at least one of which contains a "finely distributed additive", and the polymer solutions are simultaneously extruded. The process is therefore not novel (PCT-Article 33(2)).

The right-hand column of page 121 and Figure 7 shows a bicomponent lyocell process that yields core/cladding fibres, NMMNO-soluble polymers such as polysaccharides (e.g. starch with high amylose content) being highlighted as insulating layer (cladding or core).

This reference to said bicomponent spinning process for producing core/cladding fibres is completely different from the subsequent filling of conductive components into a cellulose tube or from the coating (by submersion in a spinning solution) of an already conductive cellulose fibre with a cellulose protective layer, as suggested by the applicant. It can only be understood as the simultaneous spinning of both spinning solutions. The

applicant's statement whereby D1 does not contain any indication of the multicomponent spinning technology does not apply to D1.

Besides other additives such as graphite, metallic powders and carbon fibres (see Figure 1 and central column, paragraph 1, on page 120), D1 also highlights soot as a dopant (conductive "additive"), that is to say a "carbon-containing" material, and a "high" charge (up to 60%) can also be found in Figure 5.

Contrary to the applicant's opinion, the known methods described in D1 can be used to produce multicomponent mouldings charged with different quantities of the same of different additives, yielding (as) symmetrical core/cladding structures.

An inventive step (PCT Article 33(3)) cannot be recognised either.

## VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

The description was not made consistent with the wording of the amended claims.

Contrary to PCT Rule 5.1(a)(ii), the description does not cite document D1 and does not indicate the relevant prior art disclosed therein.